

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

SEA STAR LINE, LLC,  
a limited liability company,

Civil Action No. 05-CV-245-JJF (LPS)

Plaintiff,

-vs-

EMERALD EQUIPMENT LEASING, INC.,  
a corporation,

Defendant,

-vs-

SEA STAR LINE, LLC,

Counter-Defendant.

\_\_\_\_\_ /

**ORDER GRANTING SEA STAR LINE, LLC'S MOTION TO COMPEL RETURN OF  
PRIVILEGED DOCUMENTS AND REMOVAL FROM COURT RECORD**

WHEREAS, on November 30, 2007, Sea Star Line, LLC ("SSL") filed and served a Response to Emerald's Submission Regarding Baxter Health Care, Inc. (the "Response")(Dkt. No. 149).

WHEREAS, Exhibit B to the Response contained documents that were not intended to be a part of the filing. Specifically, three emails between counsel and SSL were inadvertently made part of Exhibit B. SSL claimed that the emails were privileged (the "Emails").

WHEREAS, on December 18, 2007, SSL filed a Motion to Compel Return of the Privileged Documents and Removal from the Court Record ("Motion to Compel")(Dkt. No.

156).

WHEREAS, Emerald Equipment Leasing, Inc. ("EEL") filed a response to the Motion to Compel on December 28, 2007 (Dkt. 159). In its response, EEL did not oppose the return of the Emails and their removal from the docket. However, it did object to the scope of the relief requested in the Motion to Compel.

WHEREAS, the parties have conferred and agree to the entry of an order granting the Motion to Compel.

NOW THEREFORE, the parties agree, subject to approval of the Court, that:

1. The Motion to Compel is GRANTED.
2. EEL shall return or destroy all hard and electronic copies of the Emails.
3. EEL shall not be permitted to use the information in the Emails, unless such information was derived from sources other than the Response.
4. The Clerk is directed to remove Exhibit B of Docket No. 149 from the docket.
5. SSL is granted leave to file a corrected Exhibit B within 5 days of entry of this Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
Magistrate Judge